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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,656	02/18/2004	Robert McCarthy	200311470-1	5486

,22879 7590 11/16/2006

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EXAMINER

MCCLAIN, GERALD

ART UNIT PAPER NUMBER

3653

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/782,656	MCCARTHY, ROBERT	
	Examiner	Art Unit	
	Gerald W. McClain	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-17 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 10 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12 October 2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Media Handling Device Utilizing Offset Cups On A Support.

The disclosure is objected to because of the following informalities: there is no numerical identifier for "grippers" of paragraph [00010], line 3. Please include a numerical identifier. Is it 204?

Appropriate correction is required.

The disclosure is objected to because of the following informalities: add "(FIG. 1)" after 116 on line 4 of paragraph [00014] for clarity.

Appropriate correction is required.

The disclosure is objected to because of the following informalities: there is no numerical identifier for "drum" of paragraph [00018], line 2. Please include a numerical identifier. Is it 104?

Appropriate correction is required.

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The disclosure is objected to because of the following informalities: it is unclear if the phrase "vacuum is raised on the print media 110" in paragraph [00018] is indicating that the pressure increases or decreases. Please clarify.

Appropriate correction is required.

Claim Objections

Claim 12 is objected to because of the following informalities: the word "to" should be after the word "adjacent" on line 1. Appropriate correction is required.

Claim 12 is objected to because of the following informalities: there should be a period after "drum" on line 3. Appropriate correction is required.

Claims 14-15 objected to because of the following informalities: the phrase "one of the" should be removed from lines 2 and 3 of both claims for clarity. In addition, add "two" after "middle" in claim 15, line 2 for clarity. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12-13 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites the limitation "the cups" twice in line 2. There is insufficient antecedent basis for this limitation in the claim.

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Claim 13 recites the limitation "the medium" in lines 2, 4, and 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the imaging engine" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claims 20-21 appear to be written to invoke 35 U.S.C. 112 6th paragraph. However, the applicant has not formally invoked 35 U.S.C. 112 6th paragraph. Therefore, the examiner has construed the claims as not invoking 35 U.S.C. 112 6th paragraph. If the applicant wishes to invoke 35 U.S.C. 112 6th paragraph, please make a formal statement and identify the corresponding structure in the specification for each means plus function recitation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 6-9, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Krueger (U.S. 2,231,339).

Claims 1 and 4: support (67); cups (65);

Claim 1: distal surfaces (90);

Claims 1 and 6: first plane (See Fig. 7, 65); second plane (See Fig. 7, 65);

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Claim 2: rotatable member (67);

Claims 4 and 7: axis (of rotation) (center of 67);

Claim 7: first distance (See Fig. 7, 65); second distance (See Fig. 7, 65);

Claims 7-9: coupling members (65);

Claim 9: suction cups (65); vacuum source (page 3, column 1, lines 5-8);

Claim 12: drum (70); gripper (70);

Claims 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Wirz (U.S. 4,378,734).

Claim 19: gripping a sheet of print media at different locations of the print media, the different locations being disposed along a line orthogonal to a direction of movement of the print media such that the sheet of print media has a corrugated cross-section along the line orthogonal to a direction of movement;

rotating the print media about an axis, at least two of the different locations being different distances from the axis (column 1, lines 35-41);

Claim 20: gripping and rotating the print media (column 1, lines 35-41);

Claim 21: forming an image on a medium (abstract, lines 1-2); corrugating the medium (column 1, lines 35-41).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 13-14, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger in view of Hudson et al. (U.S. 2004/0113349) ("Hudson"). Krueger teaches all the limitations of the claims as discussed above where "cups" are equivalent to "suction members". Krueger does not directly show a liquid electrophotography print engine or a drum.

Hudson shows a similar device having a liquid electrophotography print engine (paragraph [0020], lines 3-7) and a drum (22) for the purpose of inexpensively reproducing print media. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Krueger as taught by Hudson and include Hudson's similar device having a liquid electrophotography print engine and a drum for the purpose of inexpensively reproducing print media.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger in view of Hudson and Tajima (JP 62-215441). Krueger and Hudson teach all the limitations of the claim as discussed above. Krueger and Hudson do not directly show at least four suction members.

Tajima shows a similar device having at least four suction members (66a-66e) for the purpose of balancing the medium [sic] in the printing device. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Krueger and Hudson as taught by Tajima and include Tajima's similar device

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having at least four suction members for the purpose of balancing the medium [sic] in the printing device.

Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger in view of Lutz (U.S. 6,880,790). Krueger teaches all the limitations of the claims as discussed above. Krueger does not directly show that the first and second plane distances differ, or are offset from one another by at least 0.3 mm.

Lutz shows a similar device having the first and second plane distances differ, or are offset from one another by at least 0.3 mm (column 2, lines 37-39; .115 inch is equivalent to 2.92 mm) for the purpose of controlling the distances between the cup surfaces and a sensor. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Krueger as taught by Lutz and include Lutz's similar device having the first and second plane distances differ, or are offset from one another by at least 0.3 mm for the purpose of controlling the distances between the cup surfaces and a sensor.

Allowable Subject Matter

Claims 10 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald W. McClain whose telephone number is (571) 272-7805. The examiner can normally be reached on 7:30 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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Gerald W. McClain
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Art Unit 3653